

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1299 - SB 1229

March 24, 2009

SUMMARY OF BILL: Reduces from 20 grams to nine grams the amount of an immediate methamphetamine precursor a person must possess to be prima facie evidence of intent to commit the offense of promoting methamphetamine manufacture. Does not apply to persons or entities that lawfully possess drug products in the course of legitimate business or health care activities. Purchase of more than nine grams of an immediate methamphetamine precursor must be within a 30-day period to be considered prima facie evidence to commit the Class D felony of promotion of methamphetamine manufacture.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$212,000/Incarceration*

Assumptions:

- Under current law, possession of more than 20 grams of an immediate methamphetamine precursor is prima facie evidence of intent to commit the Class D felony offense of promotion of methamphetamine manufacture.
- According to the Department of Correction (DOC), there has been an average of 39 admissions for promotion of methamphetamine manufacture offenses in each of the past two years. DOC estimates an increase of 10 percent (4) in these offenses as a result of this bill. According to DOC, the average operating cost per offender per year for calendar year 2009 is \$59.80.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- Due to the small number of offenders, no recidivism discount has been applied for the promotion of methamphetamine manufacture offenses.
- According to DOC, the average post-conviction time served for a Class D felony is 2.43 years. The cost per offender at 2.43 years is \$52,995.96

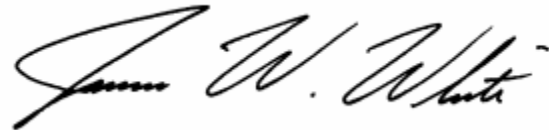
(\$59.80 x 886.22 days). The total additional operating cost for four offenders is \$211,983.84 (\$52,995.96 x 4).

- Any impact to the court system is estimated to be not significant and can be handled within existing resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc